

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Richard Lowery, on behalf of himself
and others similarly situated,

Plaintiff,

v.

Texas A&M University, et al.,

Defendants.

Case No. 4:22-cv-3091

DECLARATION OF RICHARD LOWERY

1. My name is Richard Lowery. I am over the age of 18 and fully competent in all respects to make this declaration.

2. I have personal knowledge of the facts stated in this declaration, and all of these facts are true and correct.

3. The first amended complaint filed in this case (ECF No. 19) explains that I stand “able and ready” to apply for a faculty appointment at Texas A&M University. *See* First Amended Complaint, ECF No. 19, at ¶¶ 34–44. All of the allegations in paragraphs 34 through 44 of the first amended complaint are true and correct.

4. I am actively looking for employment opportunities outside the University of Texas at Austin because I am unhappy with the current administration and have been treated poorly by my colleagues and superiors at the university, despite my status as a tenured professor.

5. I have faced retaliation at the university for my criticism of the administration, especially over its resistance to the proposed Liberty Institute at UT-Austin.

6. I sharply criticized the university president in a recent podcast, which triggered an investigation from the university’s legal department. I stated during that podcast

that “the sole qualification for being president of a university in a red state is being good at lying to Republicans.” *See* <https://podcasts.apple.com/us/podcast/lessons-from-the-frontlines-of-the-university/id1548137490?i=1000570292359>

7. I have been banned from participating in recruiting for the finance department at UT-Austin because I refuse to attend the “diversity training sessions” that the provost’s office requires for university faculty. One of my colleagues has gone so far as to insist that those who, like me, refuse to attend the required diversity training should not be allowed to express any opinion on any faculty candidate.

8. I am also disillusioned with my current job because of the rising crime rates in Austin caused by the city’s failure to address the homelessness situation, and I would like to find an appointment in a location that does not put my family’s safety at risk. Encounters with hostile homeless individuals now occur both around the University of Texas campus and in my neighborhood, and I experienced a burglary of my garage while home with my family, with significant loss of goods.

9. I have applied for a faculty appointment at the University of Florida, where I have been intrigued by the recently approved Hamilton Center for Classical and Civic Education, which is similar to the Liberty Institute that was proposed but ultimately nixed at UT-Austin, and where the university system appears more serious about improving leadership, as demonstrated by the recent hiring of Senator Ben Sasse as President.

10. I am especially interested in applying for a faculty appointment at Texas A&M, because I prefer to remain in Texas due to the favorable income-tax environment but would like to move away from major metropolitan areas. I also have good relationships with a number of faculty in the finance department at the Mays School of Business and believe that I could integrate quickly into that department. Texas A&M is also one of the few universities in the United States where some

departments might consider hiring an outspoken conservative at my career stage, and as such is one of my best options for alternative employment.

11. I prefer to seek employment at universities in Texas and Florida because I see some hope that these states may have the political will to restore unfettered academic inquiry as the goal of the university, reversing the movement toward “social justice” activism.

12. Although I stand “able and ready” to apply for a faculty appointment at Texas A&M University, I will not do so until I can compete on an even playing field with female faculty candidates and faculty candidates of other races. I would have already applied for a faculty position at Texas A&M University were the university not using these discriminatory hiring practices.

13. Indeed, I am actively assisting efforts at Texas A&M University to establish something akin to the Liberty Institute that failed to win approval at UT-Austin. So I have a keen interest in the mission of Texas A&M University and would be honored to apply for a faculty position once they scrap their illegal and discriminatory hiring preferences.

14. In April of 2022, I gave an informal lunch talk to the finance department at Texas A&M University’s Mays Business School in the hopes of generating interest from the department in a possible future appointment.

15. I would be an exceptionally strong candidate for a faculty appointment at Texas A&M University given my status as an already-tenured professor UT-Austin, and given the demonstrated interest that the finance department at Texas A&M has shown in my research by inviting me to present the brown-bag lunch talk in April of 2022.

16. The defendants suggest that my interest in applying to Texas A&M isn’t genuine. In support of this, they cite evidence that the University of Florida deploys “DEI initiatives” like Texas A&M. *See* Mot. to Dismiss, ECF No. 22, at 6–7; *id.* at

10. They also claim that statements that I made on a podcast and my recent lawsuit against the University of Texas at Austin indicate that I am willing to remain at my current university rather than jump to Texas A&M. *See id.* at 6–7 & n.4; *id.* at 10.

17. The defendants are wrong to suggest that I lack genuine interest in seeking a faculty position at Texas A&M, and I stand “able and ready” to apply to Texas A&M despite my decision to formally apply for a faculty appointment at the University of Florida. I expect that Florida will soon get rid of DEI at public universities given House Bill 999, and the position for which I applied was at a college that was set up to be free of DEI and other policies that subordinate meritocracy to diversity. So the fact that I applied for a faculty position at the University of Florida notwithstanding its current professions of commitment to diversity is unremarkable, and that does not in any way indicate that I am uninterested or not “able and ready” to apply for a faculty position at Texas A&M.

18. I have also spent a considerable amount of time over the past year trying to get a college set up at Texas A&M from which I could hold a joint appointment with the business school, and I would seek such a joint appointment if and when the university ditches their discriminatory faculty-hiring practices.

19. The defendants are also wrong to claim that my lawsuit against the University of Texas at Austin indicates that I intend to stay there. I am suing UT-Austin because I am certain they are looking for a pretense to fire me, and my desire to avoid such an outcome does not in any way diminish my interest in seeking a faculty appointment from Texas A&M.

20. Finally, the defendants tout a statement about the Liberty Institute that I made on a podcast and claim that this reveals an intent to remain at UT-Austin. *See* Mot. to Dismiss, ECF No. 22, at 6 n.4 (quoting me as having said that I “don’t want to just walk away from having taken \$6 million from taxpayers and having it squandered on insanity.”). But the defendants are quoting me out of context. The

UT administration will not allow me to have anything to do with the Liberty Institute (now Civitas). So when I say that I'm "not walking away," I am not professing an intent to remain forever on the UT faculty; I am simply trying to raise awareness that the Liberty Institute (now Civitas) will be awful and that the \$6 million of taxpayer money that was spent on it will be wasted. I am not on speaking terms with the director (who reported me to the university administration based on what I thought were private conversations between him and me), so there is absolutely no sense in which I am still involved in the Civitas project or ever will be, other than arguing that it should be defunded and shut down. And I believe that it would be a mistake to try to build anything else like it at UT-Austin as long as current leadership is in place.

21. My main academic objective at this point in my career is to be around as few leftist ideologues as as possible, and while Texas A&M (like every university) is awful on this dimension, it is nonetheless better than nearly every other university with a decent business school.

This concludes my sworn statement. I declare under penalty of perjury that the foregoing is true and correct.

Dated: 3/17/2023

DocuSigned by:

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RICHARD LOWERY